

HIGH COURT OF JUDICATURE OF CHHATTISGARH AT BILASPUR**Writ Petition No.2921 of 2003****PETITIONER:**

Alvinus Panna, S/o Pitrus Panna,
Aged about 42 years,
R/o Nava Para, Ambikapur,
Distt. Surguja (C.G.)

Versus**RESPONDENTS:**

1. State of Chhattisgarh,
Through: The Secretary,
Panchayat and Rural
Development, D.K.S. Bhawan,
Raipur (C.G.)
2. The Collector, Ambikapur,
Distt. Surguja (C.G.)
3. Nazul Officer, Ambikapur,
Distt. Surguja (C.G.)
4. The President,
Zilla Sahkari Sangh (Maryadit),
Ambikapur,
Distt. Surguja (C.G.)

POST FOR ORDERS ON 22ND SEPTEMBER, 2003

Sd/-
L.C. Bhadoo
Judge

20.09.2003

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Present: -

Mr. V.K. Pandey, Advocate:

For the petitioner

Before: Hon'ble Shri Justice L.C. Bhadoo

ORDER

(Passed on 22nd September, 2003)

1. The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India, for seeking direction against respondents 2 & 3 to set aside the allotment proceedings initiated by respondent No.3 in favour of respondent No.4 and further to direct respondent No.3 to decide the petitioner's case bearing No.A-20(1)/97-98 within a stipulated period.
2. The case of the petitioner is that the petitioner is a poor person and he is living under the poverty line. He has constructed a house on the vacant land situated at Nava Para, Ambikapur, bearing plot No.7/3 area 0.04 acre and he was in continuous possession since last 15 years. He has made an application before respondent No.3

for allotment of the said land. Respondent No.3 registered Case No.A-20(1)/97-98 and also issued an Ishthar for inviting objections. The order sheets of the said case are Annexure P-2 and Ishthar is Annexure P-3. In the meantime, respondent No.3 has registered another case for grant of lease of the said land in favour of respondent No.4 vide Case No.27/A-20(1)/98-99 and started enquiry for grant of lease of the said land in favour of respondent No.4. For that purpose also, respondent No.3 issued Ishthar inviting objections and submitted a report to respondent No.2 for allotment of the land on lease basis in favour of respondent No.4. The petitioner has made an application with affidavit before respondent No.2 regarding the encroachment of the land by respondent No.4. But respondent No.2 has not considered the same till date and the same is still pending before respondent No.2 for consideration. The petitioner has no other alternative remedy except to file this writ petition.

3. I have heard the learned counsel for the petitioner and perused the record.
4. The perusal of Annexure P-1, recommendation dated 5th August, 2003, made by the Nazul Officer, Ambikapur, states that the President, District Co-operative Society (Maryadit), Ambikapur, had made an application on 12th December, 1998, upon which this was registered and the Society has requested for allotment of land bearing plot No.7/3, area 0.04 acre, total 1742.40 sq.ft. for construction of the office building and upon this the Ishthar was published. It has also been mentioned in the report (Annexure P-1) that the petitioner herein and one President, Madhya Pradesh Gazetted Officers' Association raised the objection. It has further been mentioned that the petitioner's possession is not on the land and the President of the Gazetted Officers' Association had given in writing that if the land in question is allotted to the Society, he has no objection. The Up-Sanchalak, Nagar & Gram Nivesh, Korba, has also given his consent vide letter dated 17.11.99 that they had no objection if the land in question is allotted to the Society.
5. Therefore, in view of the above, the contention of the learned counsel for the petitioner that he has constructed the house on the land in question is not correct and as per Annexure P-1, the land in

question is vacant and petitioner cannot claim as of right the allotment of that land. It is undisputedly Government land. Respondents 2 & 3 are competent enough to allot the land in question to the rightful person after following the prescribed procedure. Therefore, there is no substance in the contention of the learned counsel for the petitioner. However, since the petitioner has applied for allotment of the land, being a landless person, and the case has also been registered and the Ishtar has also been published, therefore, it is for respondent No.3 to consider the case of the petitioner. If the petitioner is entitled for allotment of land being a landless person, then respondent No.3 after following the procedure and completing the legal formalities finds that the land is available, he can allot the land to the petitioner and for that purpose respondent No.3 should decide the pending case of the petitioner within a period of three months from today.

6. In the result, the petition of the petitioner regarding allotment of the land in question bearing No.7/3 area 0.04 acre deserves to be dismissed and the same is dismissed. However, respondent No.3 is directed to decide the petitioner's case regarding the allotment of suitable land within a period of three months from today.
7. Accordingly, the writ petition stands disposed of.

Sd/-
L.C. Bhadoo
Judge

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